

1893-017

Lee Co.

Chancery Causes: George Davis & Co] vs G. B. Burchett

George, Davis, McMillan, Ely, Coins

CA-Debt
T-Property

To the honorable John A. Kelly Judge of the
circuit court of Lee County, Virginia,

Your orators S. H. George, J. L. Davis, &
John A. Mcmillan Merchants & partners in trade
under the firm, name and style of George
Davis & Co, humbly complaining would respec-
tfully show your honor, that on the 24th
day of December 1885, they obtained before J. C.
Vannoy a Justice of the peace in and for said
County, a Judgment against G. B. Burchett
of the said County, for \$56.95 with interest
thereon from the 7th day of September 1885 till
paid, and \$1.00 costs, on which said Judgment
an execution was duly issued, by said Justice
of the peace, on the said 24th day of December
1885, directed to Neil Jennings Constable of said
County, and was on the 25th day of January 1886,
returned by said Constable to the Clerk's office
of the County Court of said County, with the
following return endorsed thereon, to wit:-
"Returned no property found. N. S. Jennings Constable"
Your orators will further show your honor
that they on the 25th day of January 1886, had
their said Judgment docketed in the Judgment
lien docket in the said Clerk's office of said
County Court, and indexed as the law requires,
Now your orators further state that the said
G. B. Burchett is seized and possessed in fee
simple of certain real estate lying and being in

A copy of said Judgment & execution & return of return, together
with the docketing of said Judgment is herewith filed
marked "A" & prayed to be considered as part of this bill.

said County, to wit. - Three entire shares in the
real estate of Bailis Littrell decd, equal to $\frac{3}{13}$
of said real estate, and also, $\frac{3}{4}$, $\frac{2}{7} + \frac{3}{5}$ of three
other shares in said real estate, or of $\frac{3}{13}$ more.
The said real estate of the said Bailis Littrell
deceased consisted of about 140 acres, lying
in said County, ^{miles} east of Cumberland Gap &
adjoining the lands of James M. Wheeler & others
and your orators are advised that their
said judgment, no part of which has been
paid, is a lien on the defendants said inter-
ests in said real estate, the rents and profits
of which will not in five years satisfy said
judgment. In tender consideration whereof
inasmuch as your orators are remediless in
the premises, save by the aid of a court of
equity, your orators pray that the said G. B.
Burchett be made defendant to this bill, and
required to answer the same on oath, that
the defendants interest in said real estate
or so much thereof as may be necessary,
be sold to satisfy your orators judgment, and
for all further and general relief. May Spd
issue &c.

Richmond & Orr, attys
for complainants.

le 6.10
 S. 50
 At 15.00
 \$21.60
 Estimate 6.00
 J.P. 1.00
 \$28.60

Clerk \$12.27
 Hyatt Cour 7.50
 S. 50
 wit 50
 At 15.00
 J.P. 1.00
 \$36.27
 + le 48.57
 le. le 48.57
 12.27
 7.50
 3.24
 23.91

George Davis & Co

vs Billin Chancery

C. B. Buschett.

1886. Febry Spd Expd. Bill & Co
 + Decree Dis C

" Mr. D. A. Gault Cause
 Set for hearing.

" March Term Decree
 for sale + Contd.

" August Term Contd

1887. Mr. Decree for sale
 + Consolidating the
 Causes + continuing

" Aug. Decree Contd

1888 Contd this year

1889 " " "

1890 " " "

1891. " " "

1892. " " "

1893. Mr. June Contd

" Nov Decree find

George D. Davis & Co Plffs vs G. B. Burchett Defts. - In chy.

Jo² T. McLeary & Co Plffs vs Same Defts. - In chy.

W. B. Lockett & Co Plffs vs Same Defts. - In chy.

The matters in controversy in these causes having been fully settled, it is ordered that they be stricken from the docket.

George L Davis et al
(3 causes)

vs { Order Final
3

G. B. Burchett.

Entd Chy 013

page 539

Novr. 16th 1893

Jfy att'd C

Enter this decree.

H. L. K. M.

Nov 16th 1893.

George Davis & Co. Plffs vs G. B. Buschett Deft. - In chy.

W. B. Lockett & Co Plffs vs Same Deft. - In chy.

Joseph T. McLeer & Co Plffs vs Same Deft. - In chy.

These causes came on again to be heard together upon the papers formerly read in the cause, and the report of John A. G. Hyatt Commissioner filed in the cause, August 18th 1887, and was argued by counsel, and said report having been filed the time required by law, and being unexcepted to, is confirmed. On consideration thereof, and it appearing to the Court that the real estate of the defendant will not rent for a sum sufficient in five years to pay and discharge the liens upon said real estate reported by said Commissioner, It is adjudged, ordered and decreed that James B. Richmond, who is appointed a commissioner for the purpose, proceed on same Court day, at the front door of the Court house of this County, to sell to the highest bidder on a credit of _____ Months, the real estate of said defendant, in said Comr's report mentioned, or so much thereof as may be necessary, to pay and satisfy said liens and the costs of these suits and expense of sale. Said Commissioner will before selling advertise the time, terms & place of sale by written advertisements on the front door of the Court house of this County, and in the vicinity of said land. He will require all costs of these suits and his commissions on sale

George Davis & Co.
W. B. Lockett & Co. &
Joseph I McLeer & Co
v-s

*Said Court before selling will execute
bond before the Clerk of this Court in
the penalty of \$1000 ⁰⁰ Constitutioned
as the law directs.

G. B. Burchett.

Entered Page 5748

C. O. Book No. 3.

J. H. S. K. M.

Enter this Decree
H. S. K. M.

Sept 1st 1887.

to be paid in hand, and for the deferred payments
he will take bonds with good security, bearing
interest from date, payable to himself as Comptroller,
and will report his action to this Court. And
the Cause is continued.

George Davis & Co Plffs vs G. B. Burchett. Deft. - In Chancery.
W. B. Lockett & Co Plffs vs Same Deft. - In Chancery.
Joseph T. McLean & Co Plffs vs Same Deft. - In Chancery.

On motion of the defendant in the 3rd cause leave is granted
of him to file his answer & the same was filed & plffs replied thereto.
And thereupon these causes came on to be heard together, upon the
papers formerly read in the two first causes, and
upon the bill & exhibits therewith, and the answer
of the defendant and replication thereto in the third
styled cause, and was argued by counsel. On
consideration whereof, it is adjudged, ordered and
decreed that the plaintiffs in the third cause recover
against the defendant in said cause \$34.45 with
legal interest ~~on~~ \$33.45 part thereof from the 28th
day of April 1886, until paid, and the costs of said
suit, and it being suggested that there are other
liens, than those mentioned in these causes, upon
the real estate of the defendant, It is adjudged,
ordered and decreed that J. A. G. Hyatt, who is
appointed a commissioner for the purpose, do
take an account of all liens upon defendant's
real estate by judgment or otherwise, and
report their amounts and priorities, and he
will also ascertain, whether or not, the rents
and profits of said real estate will in five
years pay and satisfy said liens and the
costs of these suits, and report his action to
this court. And these causes are continued.

George Davis + Leo.
W. B. Lockett + Leo. +
Joseph T. McLeir + Leo.
vs Decree for Aect
C. B. Burchett.
Entered page 27

Enter this decree.
H. S. K. M.
Mar 31st 1887.

George Davis & Co. Plffs
against

A. B. Burchett. Deft

In Chancery.

This cause came on this day to be heard upon the bill of the plaintiffs taken for confessed, and exhibits therewith, and was argued by counsel. On consideration whereof, it is adjudged, ordered and decreed that the plaintiffs recover against the defendant \$57.95 with legal interest on \$56.95 part thereof from the 7th day of September 1885, until paid, and the costs of this suit, the same being the amount of the plaintiffs judgment against the defendant, in the bill mentioned, and unless the same is paid within 30 days from the rising of this Court then who is appointed a commissioner for the purpose will proceed, at the front door of the Court house of this County, on some Court day, after having first advertised the terms and place of sale for at least thirty days on the ^{said} door of said Court house and in the vicinity of said land, to sell to the highest bidder on six & twelve months credit, the defendant's interests in the land or so much thereof as may be necessary to pay said debt & costs. in the bill mentioned. Said Commissioners will require the costs of this suit & the costs at law and commissions on the sale to be paid in hand, and for the deferred payments

George Davis v. Co.
vs } Decree for Sale.

G. B. Buschett.

Entered Page 500.

J. R. Gilson D. C.

James H. Orr
Purchaser

Enter this decree
Mar 26th 1886.
J. A. K.

he will take hands with good security
payable to himself as Commissioner, and
will report his action to this Court, and
the cause is continued

George Davis & Co

vs

G. B. Burchett

Joseph McLeert & Co

vs

G. B. Burchett

M. B. Lockett & Co

vs

G. B. Burchett

Inchey

The deposition of Thos. S. Ely

taken at the time of taking
an account in the above
styled Consolidated Causes
at the Clerk's office of the
Circuit Court for Lee County
on the 16th August 1887

Thos. S. Ely a witness of
lawful age being duly
sworn deposes and says

I am tolerably well acqu-
ainted with the farm known
by witness as the Balis Littlell farm
now occupied by G. B.
Burchett and my opinion is
that \$125.⁰⁰ would be a fair
annual rent, for said farm
And further this witness saith not.

Thos. S. Ely

A. M. Goins an other witness
of lawful age being duly sworn
says-

I am well acquainted
with the farm lately owned
and occupied by Balis Little
deceased, but now occupied
by G. B. Burchett and my
opinion is that its annual
rental value is \$100.00 and upwards.

A. M. Goins.

The foregoing deposition was
taken sworn to & subscribed
before me in due form

J. A. Hyatt Clerk.

George Davis & Co

Depts.

G. B. Burchett

Thos. S. Ely

A. M. Goins

George Davis & Co

vs

W.B. Burchett

} In Chan.

The undersigned appointed a special court for the ^{respective} reports: That he ^{purpose}, proceeded, after duly advertising the terms of sale as required by the decree in said cause at the first day of the May term of the County Court ~~house~~ of Luz County at the front door of the courthouse thereof to sell the land in the bill of said cause described to the highest bidder and on the terms described in said decree; but the said land was not then sold for want of bidders; and said commissioner offered the said land again on the first day of the ^{of said county} July term of the county court, upon the terms and in the manner required by the decree ~~in~~ in said cause for sale at the front door of the court house thereof, and again was unable to get any one to bid for said land. All of which is respectfully submitted.

Aug 2nd 1886

E. W. Huntington
Clerk

George Davis & Co
75 { Report of Comrs
Est B Burchette

Filed Aug 12 1886
J. A. Hyatt & Co

George Davis & Co	Deft	} In Chcy
vs		
G. B. Burchett	Deft	} In Chcy
Wm B. Lockett & Co	Deft	
vs		} In Chcy
G. B. Burchett	Deft	
and Joseph L. McTier	Deft	} In Chcy
vs		
G. B. Burchett	Deft	} In Chcy

To the Hon. H. S. R. Mornson Judge of
the Circuit Court for Lee County Va.

Pursuant to a decree entered
in the above styled causes at the March
Term 1887 of your Honors Court, I
have listed the liens against the
Real Estate of the Defendant G. B.
Burchett, and by reference to statement
herewith filed marked (X) it will be
seen that the first lien in point of
priority is in favor of George Davis & Co
and amounts including Estimated Costs
&c on the 1st September 1887 to the sum
of \$99.72.

The second in priority is in favor of
W. B. Lockett & Co and amounts in the aggre-
gate on the 1st September 1887 to the sum
of \$139.31.

The third is in favor of Chas. Wilentson

and amounts in the aggregate to the sum of \$154.25-

The fourth & last one in priority is a Judgment in favor of Joseph T. McLeer & Co and amounts in the aggregate on the 1st September 1887 to the sum of \$67.14 and the total aggregate of said four liens amount to \$460.42.

Evidence of said liens are filed with said statement.

And I learn from the depositions of Thos. S. Ely late Sheriff of this County and A. M. Goins Superintendent of School for Lee County, who are each well acquainted with the Balis Litterell farm, that said farm is not worth over 125\$ per year, and I ascertain from the Chancery Cause now pending in your Honors Court of G. B. Burckett vs Isaac Litterell et al that the defendant G. B. Burckett owns about $\frac{2}{3}$ of said farm or is in possession of about this amount, hence the annual rental value of the amount

of said farm owned by
defendant G.B. Burchett
would be about \$75.⁰⁰ and
in five years it would be
only \$375.⁰⁰ a sum not suffi-
cient to pay the liens against
said lands, in statement &
shown to exist within five
years.

Respectfully Submitted
J. H. Hyatt Esq.

George D. Davis & Co
3 Cours Report
no 3 of liens to &c
G. B. Burchett

L. C. Munsey. Sept 6th
1888. \$335. + costs

Filed Aug. 18th 1887.

J. A. Syatt & Co

Cours fee - \$7.50
Lit. - 50
Cost of account \$8.00

List of liens against the real Estate of G. B. Burchett.

1	To George Davis & Co for judgment before a J. P. December 24 th 1885 for		
Docketed	\$56.95 with interest from 7 th Sept. 1885; - - - - -	\$56.95	
Jan'y. 25 th 1886	Interest to Sept. 1 st 1887 - - - - -	6.77	
	Cost before J. P. - - - - -	1.00	
	Estimated cost of this chcy suit. -	35.00	
	<u>Total in favor of George Davis & Co. Sept. 1887</u>		\$99.72
2	To W. B. Lockett & Co for judgment before a J. P. January 29 th 1886, for \$98.89 with		
Docketed	interest from 29 th January 1886. - - -	\$98.89	
March 26 th 1886	Interest thereon to Sept. 1 st 1887. - -	9.42	
	Cost before J. P. - - - - -	1.00	
	Estimated cost of chcy suit. -	30.00	\$139.31
3	To Charles Weiler & son for Judgment of the circuit court of Lee County March 11 th 1886, with		
Docketed	interest from 10 th October 1885. - - -	\$132.16	
April 6 th 1886	Interest thereon to Sept. 1 st 1887. -	14.33	
	<u>Cost at law</u>	7.76	\$154.25
4	To Joseph T. McLeer & Co for Judgt before a J. P. May 17 th 1886 with Int.	\$33.45	
Docketed	from 28 th April 1886, Int to Sept. 1 st 1887. -	2.69	
June 7 th 1886	Cost before J. P. - - - - -	1.00	
	Estimated Cost of Chcy suit -	30.00	67.14
	<u>Total liens Cost & Int, Sept. 1st 1887.</u>		\$460.42

George Davis & Co.
+ the causes heard thereunto

no 3 List of liens

G. B. Birchett

(X)

George Davis & Co vs Burchett.

Pr. with Int from Sept-7 th 1885-	\$56.95
Int to Jan'y 7 th 1889.	11.39
Casts J. P. & chy	<u>68.34</u>

Joe T. McLeer & Co vs Saml

Pr. with Int from Apr 28 th 1886.	33.45-
Int to Jan'y 7 th 1889.	5.40
Casts before J. P.	2.71
Casts in chy	

or an casts Oct 18/87.

George Davis & Co
+ McLeer & Co

vs
G. B. Burchett

Calculation

Warrant Bill Lee Co. va
all part 21884 ^{ms} hite issued a few lines
from you the other day could then sum
dates that you had agreed me
in see Berry that at surcourt
an pay sum of them of of not
all that has been sum can misfoun
to sea of miland of. for them
dates in that will set with
deviden hit we get to me Barturn
mal and as you can pass on
deviden the land the after court
direct them to head of water
then i have said miland over in house
and that that the will pay me Bi
the 15 of this month we get is Bi return
mal and a bige yours
G B B Wether

Epsta. Epsta.
Epsta. Epsta.

Mount Hill Va
82/887

Mr John Hyatt

Innerill

Va

5

14

35

42

20

30

8

100

Sept 21



Received of J. W. Orr Atty. for
George Darris & Co. vs H. B. Burchett
Twenty three Dollars & 91 cents in
full of my fee as couns & clerk
in said Cause, April 8th 1891.

J. A. G. Hyatt clerk
& Couns

Know all men by these presents
that we James B. Richmond & J. A. Hyatt
are held and firmly bound unto the Com-
monwealth of Virginia, in the sum
of \$1,000.00 and for the prompt payment
thereof we each bind ourselves
heirs &c, and we as to this bond
hereby waive our Homestead exemption
witness our hands and seals this
20th Sept. 1887.

The conditions of the above
obligation is such that whereas
the above bound Jas. B. Richmond
was appointed a Court, in the
Consolidated Chancery Causes of
George Davis & Co vs G. B. Burchett &
Joseph T. McTier v Same
M. B. Lockett v Same and

directed to make sale of the lands
mentioned in the bill & proceedings
Now therefore should the said Court
faithfully perform the duties assigned him
and justly account for all sums of money
he may receive as such Court, then this
obligation to be void otherwise to remain
in full force.

J. B. Richmond Secy
J. A. Hyatt Secy

Geo. Davis & Co
Comrs
No 3 Bond
L. B. Burchett

Filed Sept. 20 1887.
J. A. Hyatt & Co

Know all men by these presents, that we E. W. Pennington and Le. J. Duncan are held & firmly bound unto the Cometh, of Va, in the full sum of Two Hundred Dollars, for the prompt payment thereof well and truly to be made unto the said Cometh we each bind ourselves heirs &c and we as to this bond each waive our Homestead Exemptions witness our hands and seals this 5th day of April 1886.

The Conditions of the above obligation is such that whereas the above bound E. W. Pennington was by a decree rendered in the Chancery Cause of George Davis & Co. vs L. B. Burchett at the March Term of Lee Circuit Court 1886, appointed a Special Comr. and directed to make sale of certain lands mentioned in said bill. Now therefore should the said E. W. Pennington promptly perform the duties assigned him & truly account for such sums of money as he may receive as such Comr, then this

obligation to be void otherwise
to remain in full force.

E. W. Huntington Seal

C. T. Sumner, Seal

George Davis & Co

3
243
Carrs
Bonds

W. B. Burdett

Filed April 5 1884

J. A. Hyatt

Principal
Int. from 7th Sept 1885
costs
commission

£56.95-

2.25-

28.60

4.89

£92.19

£92.19

$$\begin{array}{r}
 17.77 \\
 \underline{7.50} \\
 12.27 \\
 \underline{6.10} \\
 6.17
 \end{array}$$

THE COMMONWEALTH OF VIRGINIA.

To The Sheriff Of Lee County Greeting :

We Command You to Summon

L. B. Burchett

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday in

February next being rule day to answer a bill in Chancery exhibited in our said Court against

him by *S. H. George* and *J. L. Davis*

and *John A. Mcmillan* merchants and
partners in trade under the firm name
of "*George Davis & Co.*"

And have then there this writ. Witness J. A. G. HYATT Clerk of our said Court at the Courthouse

This *26*, day of *January* 188*6*, in the *10* year of the Commonwealth.

J. A. G. Hyatt Clerk.

R. & O

George Davis & Co,
vs } Spa in Chicgo

G. B. Burchett

To February Rules 1886.

Executed by delivering
a true office copy of
the within to the wife
of G. B. Burchett
& by reading and
explaining the same
to her she being over
21 years old & he not
being at his usual
place of abode Jan
29 1886.

J. H. Ewing Deputy
for R. D. Flanagan S. L. C.

Jan 29 Sheriff's fee 50